

## House Joint Resolution 4 - Introduced

HOUSE JOINT RESOLUTION 4  
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### HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the Congress of the United States  
2 to call a constitutional convention pursuant to Article V of  
3 the Constitution of the United States in order to propose  
4 an amendment to the Constitution of the United States  
5 permitting the repeal of any federal law or regulation by a  
6 vote of two-thirds of state legislatures.  
7 WHEREAS, Article I of the Constitution of the United States  
8 begins "All legislative powers herein granted shall be vested  
9 in a Congress of the United States"; and  
10 WHEREAS, the Congress has exceeded the legislative powers  
11 granted in the Constitution of the United States as described  
12 in this Resolution, thereby encroaching on the powers that are  
13 "reserved to the states respectively, or to the people" as the  
14 Tenth Amendment affirms and the rights "retained by the people"  
15 to which the Ninth Amendment refers; and  
16 WHEREAS, this encroachment includes the accumulation of  
17 federal debt, which combined with interest represents a future  
18 tax, and is of such great proportion that responsibility for  
19 its payments will be passed to future, unborn generations of  
20 Americans to assume without their consent, thereby disparaging  
21 their rights; and  
22 WHEREAS, this encroachment also includes compelling  
23 state and local governments to comply with federal laws and  
24 regulations without accompanying funding for such mandates; and  
25 WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in  
26 reference to Article V of the Constitution of the United States  
27 and the calling of a convention for the purpose of proposing

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28 amendments that, "We may safely rely on the disposition of the  
29 State legislatures to erect barriers against the encroachments  
30 of national authority"; and

31 WHEREAS, the Constitution of the United States should be  
32 amended in order to halt federal encroachment and restore a  
33 proper balance between the powers of Congress and those of the  
34 several states, and to prevent the denial or disparagement of  
35 the rights retained by the people; NOW THEREFORE,  
36 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 That the State of Iowa hereby applies and makes application  
2 to the Congress of the United States to call a constitutional  
3 convention pursuant to Article V of the Constitution of  
4 the United States for the limited purpose of proposing a  
5 constitutional amendment that permits the repeal of any  
6 federal law or regulation by vote of two-thirds of the state  
7 legislatures, and the Iowa delegation to such convention, when  
8 called, shall propose the following amendment: "Any provision  
9 of law or regulation of the United States may be repealed by  
10 the several states, and such repeal shall be effective when  
11 the legislatures of two-thirds of the several states approve  
12 resolutions for this purpose that particularly describe  
13 the same provision or provisions of law or regulation to be  
14 repealed"; and

15 BE IT FURTHER RESOLVED, that this Resolution is revoked  
16 and withdrawn, nullified, and superseded to the same effect  
17 as if it had never been passed, and retroactive to the  
18 date of passage, if it is used for the purpose of calling a  
19 constitutional convention or used in support of conducting a  
20 constitutional convention to amend the Constitution of the  
21 United States for any purpose other than consideration of the  
22 amendment proposed in this Resolution; and

23 BE IT FURTHER RESOLVED, that the State of Iowa reserves  
24 the right to add future amendments as the legislature deems  
25 warranted to this application; and

26 BE IT FURTHER RESOLVED, that delegates to such convention,  
27 when called, be selected according to procedures established by  
28 the legislatures of the several states; and

29 BE IT FURTHER RESOLVED, that the Secretary of State  
30 shall transmit certified copies of this Joint Resolution  
31 to the Speaker and Clerk of the United States House of  
32 Representatives, the President and Secretary of the United  
33 States Senate, and each member of the Iowa delegation to the  
34 Congress so that they may be apprised of the sense of the Iowa  
35 General Assembly in this matter.

EXPLANATION

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2 This joint resolution constitutes an application to the  
3 Congress of the United States from the State of Iowa through  
4 the Iowa General Assembly, as required by Article V of the  
5 Constitution of the United States, calling upon Congress  
6 to convene a constitutional convention for the purpose of  
7 considering a United States constitutional amendment to allow  
8 the several states to repeal any federal law or regulation by  
9 approval of two-thirds of the state legislatures.

10 The resolution stipulates the retroactive withdrawal of this  
11 application should a convention be summoned for any purpose  
12 other than for the proposed amendment.

13 Similar resolutions would need to be approved by two-thirds  
14 of the states for the constitutional convention to be called  
15 to propose the United States constitutional amendment set out  
16 in this resolution. Three-fourths of the states would need to  
17 ratify the constitutional amendment for the amendment to become  
18 part of the United States Constitution.